



## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 271**

#### **[EPA-R05-RCRA-2021-0389; FRL-9917-03-R5]**

**Michigan:** Final Authorization of State Hazardous Waste Management Program Revisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final authorization.

**SUMMARY:** The Environmental Protection Agency (EPA) is granting Michigan final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Agency published a proposed rule on December 13, 2021 and provided for public comment. One comment was submitted by the State of Michigan in which the State identified a rule that was part of their application for authorization that was not addressed in the proposed authorization. EPA acknowledges this oversight and will address this rule in a future action.

**DATES:** This final authorization is effective *[Insert date of publication in the Federal Register]*.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R05-RCRA-2021-0389. All documents in the docket are listed on the <http://www.regulations.gov> web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Angela Mullins, RCRA C&D Section, Land,

Chemicals, and Redevelopment Division, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, LL-17J, Chicago, IL 60604. Angela Mullins can be reached by telephone at (312) 886-4237 or via email at [mullins.angela@epa.gov](mailto:mullins.angela@epa.gov)

## **SUPPLEMENTARY INFORMATION:**

### **A. What changes to Michigan’s hazardous waste program is EPA authorizing with this action?**

On March 15, 2021, Michigan submitted a complete program revision application seeking authorization of changes to its hazardous waste program in accordance with 40 CFR 271.21. EPA now makes a final decision that Michigan’s hazardous waste program revisions that are being authorized are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all of the requirements necessary to qualify for final authorization. For a list of State rules being authorized with this Final Authorization, please see the Proposed Rule published in the December 13, 2021, *Federal Register* at Michigan: Proposed Authorization of State Hazardous Waste Program Revisions (86 FR 70790, December 13, 2021).

### **B. What is codification and is EPA codifying the Michigan’s hazardous waste program as authorized in this rule?**

Codification is the process of placing citations and references to the State’s statutes and regulations that comprise the State’s authorized hazardous waste program into the Code of Federal Regulations. EPA does this by adding those citations and references to the authorized State rules in 40 CFR Part 272. EPA is not codifying the authorization of Michigan’s revisions at this time. However, EPA reserves the ability to amend 40 CFR part 272, subpart X for the authorization of Michigan’s program changes at a later date.

### **C. Statutory and Executive Order Reviews**

This final authorization revises Michigan’s authorized hazardous waste management program pursuant to Section 3006 of RCRA and imposes no requirements other than those currently imposed by State law. For further information on how this authorization complies with

applicable executive orders and statutory provisions, please see the Proposed Rule published in the December 13, 2021, *Federal Register* at Michigan: Proposed Authorization of State Hazardous Waste Program Revisions (86 FR 70790, December 13, 2021). The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This final action is effective ***[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]***.

#### **List of Subjects in 40 CFR Part 271**

Environmental protection, administrative practice and procedure, confidential business information, hazardous waste, hazardous waste transportation, Indian lands, intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: June 2, 2022.

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Debra Shore,

Regional Administrator, Region 5.